



## UTE INDIAN TRIBE

P. O. Box 190  
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December 6, 2016

Janet McCabe  
Environmental Protection Agency  
Office of Air and Radiation 6101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: U & O Reservation FIP and Tribally-Sponsored Stakeholder Working Group**

Dear Ms. McCabe:

The Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe") recently met with the Environmental Protection Agency Region 8 ("EPA") to discuss the problems with the proposed Federal Implementation plan for the Uintah and Ouray Reservation ("FIP"). We were able to reach what the Tribe hopes will be a workable solution so that the process can continue to move forward before this administration leaves office.

The Tribe has repeatedly expressed its concerns with the FIP, including the lack of a streamlined permitting process, reliance on outdated emissions inventory data, and unfairly stringent restrictions on development on tribal lands. However, we understand that the current timeline necessitates moving forward to ensure there is a FIP in place in the event of nonattainment so that the Tribe can reduce emissions and be able to permit new sources.

The EPA has agreed to address tribal concerns during and after the comment period for the Uintah and Ouray FIP. In addition, the Tribe will sponsor a working group with representatives from the Tribe, industry partners and the EPA. The working group will develop proposals to further address problems with the FIP and to address existing and new source regulations on the reservation.

The Tribe will consent to the FIP process moving forward subject to the EPA adequately addressing the Tribe's concerns with the FIP through the comment period. The Tribe will support

OFFICE OF THE  
EXECUTIVE SECRETARY

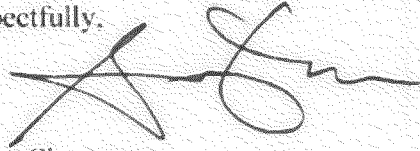
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the issuance of the FIP so long as the EPA follows through with the results from the working group to implement its proposals.

The Tribe has passed the resolution accompanying this letter regarding this agreed upon solution. Thank you for your consideration and we look forward to working with you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Shaun Chapoose', written over a horizontal line.

Shaun Chapoose  
Chairman, Ute Tribal Business Committee

cc: Office of Management and Budget  
Gina McCarthy, Administrator  
Shaun McGrath, Region 8

**UINTAH AND OURAY  
TRIBAL BUSINESS COMMITTEE**

**Resolution No. \_\_\_\_\_**

**WHEREAS:** The Tribal Business Committee ("Business Committee") of the Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe") is empowered by Article VI, Sections 1(c) and 1(f) of the Constitution and By-Laws of the Tribe to regulate the economic affairs of the Tribe;

**WHEREAS:** The Tribe seeks to protect the health of its citizens while balancing the need for economic development;

**WHEREAS:** The Tribe relies on oil and gas development as the primary source of funding for its essential governmental services;

**WHEREAS:** The Environmental Protection Agency ("EPA") has developed a draft Federal Implementation Plan ("FIP") for the Uintah and Ouray Reservation;

**WHEREAS:** The Tribe has repeatedly voiced its concerns with the proposed FIP and the problems with it, including the lack of a streamlined permitting process, reliance on outdated emissions inventory data, and unfairly stringent restrictions on development on tribal lands;

**WHEREAS:** The Tribe has passed Resolution 16-075 and Resolution 16-402, laying out principles for oil and gas development on the reservation, calling upon the EPA to follow these principles, develop an expedited permitting process that is no more burdensome than the requirements applicable to surrounding jurisdictions, and to develop a stakeholder working group to review and comment on the FIP;

**WHEREAS:** In the event of nonattainment, EPA will not be able to permit new sources without a FIP, however, with a FIP in place to lower emissions on existing sources EPA can still permit new sources;

**WHEREAS:** The Tribe has met with the EPA and government officials in order to develop a solution and EPA has agreed to address tribal concerns during and after the comment period for the Uintah and Ouray FIP; and

**WHEREAS:** The EPA has agreed to address the Tribe's concerns with the FIP through participating in a tribally-sponsored stakeholder working group to further address and offer solutions to problems with the FIP.

**NOW, THEREFORE, BE IT RESOLVED BY THE TRIBAL BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION** a stakeholder working group made up of representatives from the Tribe, EPA and Tribal industry partners, to be known as the Uintah and Ouray Air Quality Working Group shall be established to develop a plan to address existing and new source regulations through development of proposed amendments to the FIP for existing minor sources on the Uintah and Ouray

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Reservation or through development of a new FIP that would incorporate and address the principals set forth in Tribal Business Committee Resolution 16-075.

**BE IT FURTHER RESOLVED:** The Tribe calls upon the EPA to honor its agreement to participate in the working group and to work with the Tribe to implement proposals from the working group to further address any problems not resolved through the comment period on the FIP.

**BE IT FURTHER RESOLVED:** The Business Committee will support the issuance of the FIP so long as the EPA follows through on its commitment to work with the Tribe to address concerns through the regulatory comment period and through the recommendations developed by the Uintah and Ouray Air Quality Working Group.

**BE IT FINALLY RESOLVED:** that the Business Committee hereby authorizes and approves its Chairman or, in his absence, the Vice-Chairman, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

  
Shaun Chapoose, Chairman

  
Edred Secakuku, Vice-Chairman

**ABSENT**  
Ronald Wopsock, Member


**ABSENT**  
Cummings Justin Vanderhoop, Member

  
Bruce Ignacio, Member

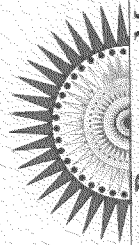
  
Tony Small, Member

#### CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in **Fort Duchesne** Utah, on the 6 day of December, 2016, at which time a quorum was present and votes 4 for, 0 against, 0 abstaining and 2 absent.

  
Tribal Business Committee - Secretary  
Ute Indian Tribe, Uintah & Ouray Reservation





**FREDERICKS PEEBLES & MORGAN LLP**

ATTORNEYS AT LAW

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WASHINGTON, DC 20004

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MEL 0017  
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Gina McCarthy  
Administrator  
Office of the Administrator  
1200 Pennsylvania Avenue, NW  
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